

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., September 20, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the September 13, 2005 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations
“Family Day-A day to eat dinner with your children.”
“Young @ Art Day.”
- Recognition of Kansas African American Museum-Legacy Award.

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated September 19, 2005.
RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Teresa Vasquez	El Patio Cafe*	424 East Central
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Aaron Schroeder	K & O Quickshop #29	11931 West Central
Jack N. Reif	Target Store T1944	10800 East 21 st Street North
Jack N. Rief	Target Store T1945	2727 North Maize Road
<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Alejandro Castillo	Playa Azul, Inc.*	111 North Washington

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review
and approval.

3. Preliminary Estimates:

- a) Storm Water Sewer #615 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83998/751399/485290) Does not affect existing traffic. (District V) - \$167,580
- b) Water distribution system, Phase 3 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (448-89661/735266/470937) Does not affect existing traffic. (District II) - \$73,000
- c) Water Distribution System to serve Krug North and Krug North 2nd Additions - north of 21st Street North, west of 143rd Street East. (448-89935/735260/470931) Does not affect existing traffic. (District II) - \$95,000
- d) 2005 Contract Maintenance CIP Street Rehabilitation: Hydraulic; 37th Street North & Meridian. (472-84158/706926/620426/205392/665546) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, IV, VI) - \$400,000
- e) 2004-2005 Traffic Signalization Program Phase V, to signalize the intersection of Central & 119th Street West - Central & 119th Street West. (472-84212/706911/204377) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$230,200
- f) Storm Water Drain # 262 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83996/751398/485289) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$181,610
- g) Storm Water Drain # 250 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83950/751394/485285) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$290,000
- h) Cost of Lateral 45 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition – south of Pawnee, west of Maize. (District IV) - \$79,000

(Item 3 continued)

- i) 2005 Sanitary Sewer Reconstruction Phase 9 - various locations north of Harry, west of Oliver. (468-84069/620440/665560) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, VI) - \$309,000
- j) Presbyterian Manor Drainage Improvements to serve Synod Addition - north of 13th Street, west of Zoo Boulevard. (468-84074/660508/854118) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$32,000
- k) Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition - south of Kellogg, west of 119th Street West - (468-83817/744081/480769) Traffic to be maintained during construction using flagpersons and barricades. (District IV and V) - \$830,000
- l) Williamsgate Court serving Lots 1 through 21, Block 1, from the east line of Williamsgate to and including the cul-de-sac to serve Hawthorne 3rd Addition - north of 21st, east of 127th Street East. (472-84083/765943/490056) Does not affect existing traffic.. (District II) - \$236,000
- m) Bridlewood from the east line of Lot 28, Block 2, to the west line of Lot 1, Block 3; Bridlewood Court serving Lots 17 through 27, Block 2, from the south line of Bridlewood to and including the cul-de-sac to serve Reed's Cove Addition - south of 21st, east of 127th Street East. (472-84238/765952/490065) Does not affect existing traffic. (District II) - \$165,120
- n) Water Distribution System to serve Woodland Heights Addition - south of Central, east of Ridge. (448-90059/735268/470939) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$80,000
- o) Oak Creek Parkway from 21st Street North to Greenwich Road; Chateau Parkway from 21st Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84209/765936/490049) Does not affect existing traffic. (District II) - \$1,431,600
- p) Oak Creek Parkway from 21st Street North to Greenwich Road; Chateau Parkway from 21st Street North to a point 80 feet south of Lot 4, Block 2 to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (472-84209/765936/490049) Does not affect existing traffic. (District II) - 1,431,600
Edwards from the south line of the plat, north to the south line of West 62nd Street North; Rio Vista from the east line of Edwards, east to the east line of the plat; Richmond from the north line of Rio Vista, north to the north line of the plat; West 62nd Street North from the west line of the plat, east to the west line of Richmond; Richmond Court from the west line of Richmond, west to and including the cul-de-sac; Rio Vista Court from the south line of Rio Vista, south to and including the cul-de-sac; Sidewalk along one side of Edwards, Rio Vista, Richmond and West 62nd Street North to serve Rio Vista 4th Addition - north of 61st Street North, west of Meridian. (472-84056/765949/490062) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$745,000

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvement:

- a) Construct a Sanitary Sewer for Falcon Falls Second Addition, north of 45th Street North, west of Hillside. (District I)
- b) Construct a Water Distribution System for North Ridge Village Addition, north of 37th Street North, west of Ridge. (District V)
- c) Install traffic signals at Maize between 21st Street and Central Park Street. (District V)
- d) Construct a Sanitary Sewer in The Fairmont Additions, north of 21st Street, west of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

5. Minutes of Advisory Boards/Commissions:

Deferred Compensation Board of Trustees, quarterly meeting, May 12, 2005
Deferred Compensation Board of Trustees, special meeting, June 16, 2005
Board of Appeals of Air-Conditioning/Warm Air Heating and Boilers, June 30, 2005
Wichita Employees' Retirement Board/Police & Fire, July 7, 2005
Housing Advisory Board, July 20, 2005
Wichita Employees' Retirement Board, July 20, 2005
Police & Fire Retirement Board, July 27, 2005
Board of Wichita Public Library, August 16, 2005
Design Council Board, August 18, 2005

RECOMMENDED ACTION: Receive and file.

6. Consideration of Street Closures/Uses.

Stand Down-Friday, September 23, 8:00 a.m. – 5:00 p.m.

Robert J. Dole Veteran's Administration

- 413-417 South Pattie

Unity Street Event and Dance-Saturday, September 24, 2:00 – 11:00 p.m.

- Walnut Street from Douglas to area of abandoned railroad track, south of First Street

Delano Fall Fair-Sunday, October 2, 7:00 a.m. – 6:30 p.m.

- Douglas from west of McLean to east of Seneca

Historic House Tour-Saturday and Sunday, October 8 and 9 – 11:00 a.m. – 5:00 p.m.

- 1800 block of North Wellington Place
- 1700 block of North Park Place

(Item 6 continued)

26th Annual KAKE-TV/Wichita Marathon-Sunday, October 16

One lane closing:

- South lane of 31st Street from McConnell AFB to Oliver-9:30 a.m. – 12:30 p.m.
- Far west lane of Oliver from 31st Street to George Washington Blvd. 9:30 a.m. – 12:30 p.m.
- Southwest lane of George Washington Blvd from Oliver to Mt. Vernon-9:30 a.m. – 12:45 p.m.
- Far south lane of Mt. Vernon from George Washington Blvd to Linwood Park-9:45 a.m. – 1:15 p.m.
- Far south lane of Douglas from I-135 to Mead-9:45 a.m. – 2:00 p.m.

RECOMMENDED ACTION: Approve the street closures.

7. Weapons Destruction.

RECOMMENDED ACTION: Receive and file the list of weapons.

8. Agreements/Contracts:

- a) Easement Encroachment Agreement. (District II)
- b) United States Geological Survey (USGS) Surface Water Agreement, October 1, 2005 through September 30, 2006.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Change Order.

- a) Storm Water Drain in Cheryl's Hollow Addition, north of 13th Street, west of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

10. Property Acquisitions:

- a) Partial acquisition of 1522 North Market as a portion of the Abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)
- b) Partial acquisition of land and easements for the North Area Sewer Sanitary Line near Meridian and 53rd Street North. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

11. Contracts and Agreements for August 2005.

RECOMMENDED ACTION: Receive and file.

12. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for thirty-eight (38) water projects, thirty-eight (38) sewer projects and seventeen (17) storm sewer projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 10, 2005 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 18, 2005, and direct the City Clerk to publish the notices of hearing at least once not less than 10 days prior to the date of the hearing.

13. Purchase Option, Series II 1995. (District IV)

RECOMMENDED ACTION: Approve the issuance of call instructions to the Trustee and adopt the Resolution approving the Termination of Lease and Site Lease Agreement, *Special Warranty Deed* and Bill of Sale and authorize the Mayor to sign with delivery contingent upon satisfaction of all conditions for release *and reconveyance* of the property under the Lease Agreement.

14. Reduction of dangerous building removal and weed mowing special assessments for property at 4460 East Boston. (District III)

RECOMMENDED ACTION: Approve the proposed assessment reductions and authorize staff to file appropriate paperwork with the Sedgwick County Assessor's Office.

15. Second Reading Ordinances: (First read September 13, 2005)

a) Wichita Employees' Retirement System, Proposed revision of City Code Section 2.28.180 to clarify Death and Survivor Benefits.

An Ordinance amending Section 2.28.180 of the Code of the City of Wichita, Kansas, pertaining to death and survivor benefits in the event of the death of a retiree and repealing the originals of said sections.

b) Police Mobile Radios.

An Ordinance determining the necessity for acquiring mobile radios for the Police Department, together with certain spare parts and installation equipment, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas, under the City's Home Rule Authority as set out in Article 12, Section 5, of the Constitution.

- c) DR2004-000016-Central Northeast Area Plan Update, generally located east of Mosley, Washington and Mead, north of Kellogg and Central, west of Edgemoor, Pinecrest, Parkwood, Old Manor, Hillside and Oliver and south of 21st Street, 17th Street and the Union Pacific Railroad. (District I)

An Ordinance adopting the Central Northeast Area Plan update as an amendment to the Wichita-Sedgwick County Comprehensive Plan. (DR2004-00016)

- d) DR2005-00019-Request to amend the Official Oil and Gas Well District Map. (District I)

An Ordinance approving certain amendments to the official oil and gas well district map of certain lands located in the City of Wichita, Kansas, under the authority granted by section 25.04.020 of the Code of the City of Wichita, Kansas, as amended.

- e) ZON2005-00031 - east of Commerce, south of Waterman 410, 414, 420-424, and 524 South Commerce. (District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21. (ZON 2005-00031)

- f) (ZON 2005-15) - west of Broadway and on the south side of 37th Street North. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21. (ZON 2005-15)

- g) A0-13R - generally located south of Pawnee Street between 135th street and 119th Street. (District IV)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas.

RECOMMENDED ACTION: Adopt Ordinances.

UNFINISHED BUSINESS

16. Public Hearing and Adoption of Power CDC Redevelopment Project Plan. (District I)
(Continued from September 13, 2005)

The publication of the notice in the City's official newspaper failed to take place as planned and the notice was published on September 9, 2005.

RECOMMENDED ACTION: Close the Public Hearing and approve the second reading of the Ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan.

NEW BUSINESS

17. Public Hearing and Issuance of Industrial Revenue Bonds, Ethanol Products, LLC. (District II)

On May 18, 2005, the City Council approved a one-year Letter of Intent to issue IRBs in the amount not to exceed \$2,000,000 and a 100% five-plus-five-year property tax exemption on bond financed property to Ethanol Products, LLC. On April 5, 2005, City Council approved an extension until December 31, 2005.

RECOMMENDED ACTION: Close the public hearing; place the Bonding Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in the amount of \$2,000,000 on first reading and authorize the necessary signatures.

18. Approval of Economic Development Incentives Agreement for Franchise Services Company. (District II)

On December 21, 2004, the City Council approved an incentive package for Franchise Services Company, ("FSC") to ensure that the expansion and relocation of the company's corporate headquarters stays in Wichita.

RECOMMENDED ACTION: Approve the proposed economic development incentive package for Franchise Services Company, Inc., subject to approval of specific written agreements.

19. 2006 Dental, Vision, Life, AD&D and Long Term Disability Insurance Programs.

The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees and recommend new/renewal programs or changes in health and non-medical insurance coverage and cost as required.

RECOMMENDED ACTION: Accept the recommendations of the Health Insurance Advisory Committee and: 1) approve Delta Dental, VSP, Minnesota Life and CIGNA as the providers for dental, vision, basic life, dependent life, supplemental life, basic AD&D, voluntary AD&D and long term disability for 2006; 2) approve the copays/deductibles/benefits as applicable for each plan; 3) approve the benefit enhancements as recommended for each plan; 4) approve adding a voluntary supplemental life insurance program; 5) approve the rate guarantees for each vendor as recommended and authorize renewal of the guaranteed rates for 2007 and 2008, as applicable; 6) approve amending the current plan year for long term disability from April 1 to January 1 so employees can take advantage of the lower premium rates earlier; and 7) authorize the required signatures.

20. Water and Sewer System Utility Revenue Bonds, Series 2005.

The Water and Sewer Department wishes to proceed with the sale of revenue bonds at this time in order to permanently finance a portion of project costs incurred to date.

RECOMMENDED ACTION: Adopt the Resolution and direct City Staff to publish the Notice of Bond Sale and distribute the Preliminary Official Statement.

21. City Operation of Sim and Tex Consolver Golf Courses. (Districts IV & VI)

On August 12, 2003, the City Council Member Council approved City Staff to operate clubhouses at LW Clapp and Mac Donald courses. This action was necessary to replace contracted professionals who voluntarily terminated professional service contracts with the City Council Member.

RECOMMENDED ACTION: Approve four additional full-time positions (one Golf Pro II, one Golf Pro I and two Assistant Golf Pros) and authorize the necessary signatures.

22. Correcting Assessment Ordinance: Storm Water Drain for Remington Place and Remington Place Second Additions, east of Webb, south of 21st Street. (District II)

On July 20, 2004, the City Council approved assessment ordinances for twenty drainage projects. It has been determined that the ordinance for one of the projects constructing a storm water drain is in error.

RECOMMENDED ACTION: Close the public hearing; approve the proposed assessments and find and declare, upon the request of the Mayor, that a public emergency exists requiring the final passage of the assessment ordinance on the date of its introduction; adopt the assessment ordinance and authorize the necessary signatures.

23. Storm Water Rainfall Alert System Replacement and SCADA System Upgrade.

In 1997, Storm Water Division of Public Works purchased Wonderware Software and utilized it to monitor and operate a new pump station site on South Seneca.

RECOMMENDED ACTION: 1) Approve the upgrade and replacement project; 2) authorize the necessary signatures; and 3) fund transfers required for the project.

24. Greenwich Road Improvement, between 13th Street and 27th Street North. (District II)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Greenwich, between 13th Street and 27th Street North.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

25. Harry Street Improvement, from K-42 Highway to Meridian. (District IV)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Harry Street from K-42 Highway to Meridian.

RECOMMENDED ACTION: Approve the project and place the ordinance on first reading.

26. Public Hearing-Resolution of Support for Low Income Housing Tax Credit Application, Keystone Apartments. (District III)

On August 16, 2005, the City Council adopted a resolution of support for an application for Low-Income Housing Tax Credits to be submitted by Midwest Ventures, LLC, in connection with the renovation of the Keystone Apartments, by a 7-0 vote.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the Midwest application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate unit requirement and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

27. *DR2005-28-Resolution supporting PRIDE Program Involvement with El Pueblo Neighborhood Association. (District VI)

RECOMMENDED ACTION: Adopt the resolution of support and authorize the necessary signatures.

28. *Agreement between the City of Wichita and the Kansas State Historic Preservation Officer for performance of project reviews under K.S.A. 1995 Supp. 75-2724.

RECOMMENDED ACTION: Authorize the City Manager to sign the Programmatic Agreement.

29. *Consider a resolution to authorize the support for a filing of 2008 Transportation Enhancement Program applications to the Kansas Department of Transportation in support of the proposed Delano Trail and the proposed I-135/K-96 Trail. (Districts I & IV)

RECOMMENDED ACTION: Approve the resolution of support and authorization for application submittal to the KDOT.

30. *SUB2005-46-Plat of Harbor Isle South Addition, located north of 41st Street North and on the east side of Meridian. (District VI)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolution and place the ordinance on first reading.

CITY COUNCIL

31. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

No workshop